



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,938	08/21/2001	Pathiraja A. Gunatillake	1207.008US1	7489

7590

07/01/2002

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

SERGEANT, RABON A

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/01/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/933,938	08/21/2001	Gunatillake	7489

EXAMINER	
Sergent	
ART UNIT	PAPER NUMBER
1711	8

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on April 8, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Firstly, applicants have failed to address the "mutually exclusive" issues raised with respect to claim 63. Secondly, applicants have failed to clarify the language with respect to the diamine chain extenders of claims 104, 109, and 112. It is noted that, as drafted, these claims are not considered to require the use of a component which corresponds to formula (I). Furthermore, within the specification, the reference to "diamine chain extender" appears to refer to the compound of formula (I); see line 19 of page 20; therefore, the specific recitation of "diamine chain extender" within these claims, along with other chain extenders, including the diamine of formula (I), is confusing. Thirdly, applicants have failed to clarify the reference to both macrodiol and macrodiamine within part (i) of claim 111. The preamble of the Markush group specifying two classes of compounds is improper. Lastly, applicants have added claims using the rejected term, "resistant", but have failed to argue why the language is definite. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Additionally, it is noted that the examiner disagrees with applicants' argument with respect to the "at least one of" language of claim 63. Applicants' argument referring to "any one or more" is no more clear than the rejected language. The position is taken that one would reasonably conclude that the language, "at least one of A, B, and C", requires that at least one of A, at least one of B, and at least one of C be present. Applicants' argument would seem to be relevant only if "and" is replaced with "or". It is recommended that accepted Markush language be used to resolve the issue.

Lastly, it is unclear where support exists for specifying the molecular weights as being number average.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

R. Sergent

June 27, 2002


RABON SERGENT
PRIMARY EXAMINER